

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 262

SENATE BILL 1496

AN ACT

AMENDING SECTIONS 10-122, 10-3122 AND 29-851, ARIZONA REVISED STATUTES;
MAKING AN APPROPRIATION; RELATING TO CORPORATION AND LIMITED LIABILITY
COMPANY FILINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 10-122, Arizona Revised Statutes, is amended to read:

10-122. Filing, service and copying fees; public access fund; expedited report filing and access; same day and next day services; posted wait times; definition

A. The commission shall collect and deposit, pursuant to sections 35-146 and 35-147, the following fees when the documents described in this subsection are delivered to it for filing or issuance:

<u>Document</u>	<u>Fee</u>
1. Articles of incorporation	\$50
2. Application for use of indistinguishable name	10
3. Application for reserved name	10
4. Notice of transfer of reserved name	10
5. Application for registered name	10
6. Application for renewal of registered name	10
7. Agent's statement of resignation	10
8. Amendment of articles of incorporation	25
9. Restatement of articles of incorporation with amendment of articles	25
10. Articles of merger or share exchange	100
11. Articles of dissolution	25
12. Articles of domestication	100
13. Articles of revocation of dissolution	25
14. Application for reinstatement following administrative dissolution, in addition to other fees and penalties due	100
15. Application for authority	150
16. Application for withdrawal	25
17. Annual report	45
18. Articles of correction	25
19. Application for certificate of good standing	10
20. Any other document required or permitted to be filed by chapters 1 through 15 of this title	25

B. The commission shall collect a fee of twenty-five dollars each time process is served on it under chapters 1 through 17 of this title. The party to a proceeding causing service of process is entitled to recover this fee as costs if the party prevails in the proceeding.

C. The commission shall charge and collect a reasonable fee for copying documents on request, provided the fee does not exceed the cost of providing the service as determined by the commission. The commission shall also charge a reasonable fee for certifying the copy of a filed document, provided the fee does not exceed the cost of providing the service as determined by the commission.

1 D. A penalty of one hundred dollars payable in addition to other fees
2 accrues and is payable if a foreign corporation fails to file an amendment,
3 restated articles that include an amendment, or articles of merger within
4 sixty days of the time of filing in the jurisdiction in which the corporation
5 is domiciled.

6 E. One-third of the filing fees for the annual report of domestic and
7 foreign corporations paid pursuant to subsection A, paragraph 17 of this
8 section shall be deposited in the Arizona arts trust fund established by
9 section 41-983.01.

10 F. A public access fund is established consisting of the monies
11 received pursuant to paragraphs 2, 3, ~~and 4~~ 5 AND 6 of this subsection and
12 section 29-851, ~~subsection~~ SUBSECTIONS B AND C. Monies in the fund are
13 subject to legislative appropriation. The following provisions apply to the
14 fund:

15 1. The commission shall administer the fund and spend monies in the
16 fund to purchase, install and maintain an improved data processing system on
17 the premises of the commission and for a part of the general administrative
18 and legal expenses of the commission. The data processing system shall be
19 designed to allow direct, on-line access by any person at a remote location
20 to all public records that are filed with the commission pursuant to this
21 title and title 29, chapter 4.

22 2. The commission shall provide for and establish an expedited service
23 for the filing of all documents and services provided pursuant to this title
24 as follows:

25 (a) The expedited filing shall be a priority service to be completed
26 as soon as possible after the documents are delivered to the commission.

27 (b) In addition to any other fees required by this section or any
28 other law, the commission shall charge a fee ~~of thirty-five dollars~~ for
29 expedited services, including those requested by fax. THE FEE SHALL BE
30 DETERMINED BY A SUPERMAJORITY VOTE OF THE COMMISSIONERS.

31 3. THE COMMISSION MAY PROVIDE FOR AND ESTABLISH SAME DAY AND NEXT DAY
32 SERVICES FOR THE FILING OF ANY DOCUMENTS AND SERVICES PROVIDED PURSUANT TO
33 THIS TITLE AS FOLLOWS:

34 (a) THE SAME DAY AND NEXT DAY SERVICES SHALL NOT BE OFFERED UNLESS ALL
35 EXPEDITED SERVICES FILED PURSUANT TO THIS TITLE ARE PROCESSED WITHIN A
36 MAXIMUM OF FIVE BUSINESS DAYS AND ALL OTHER DOCUMENTS AND SERVICES FILED
37 PURSUANT TO THIS TITLE ARE PROCESSED WITHIN A MAXIMUM OF THIRTY BUSINESS
38 DAYS.

39 (b) THE COMMISSION SHALL SUSPEND SAME DAY OR NEXT DAY SERVICE IF THE
40 COMMISSION DETERMINES THAT IT DOES NOT HAVE THE NECESSARY RESOURCES TO
41 PERFORM THE SERVICE WITHIN THE ESTABLISHED TIME PERIOD.

42 (c) IN ADDITION TO ANY OTHER FEES REQUIRED BY THIS SECTION OR ANY
43 OTHER LAW, THE COMMISSIONERS MAY CHARGE A FEE FOR THE SAME DAY OR NEXT DAY
44 SERVICE OR BOTH. THE FEE SHALL BE DETERMINED BY A SUPERMAJORITY VOTE OF THE
45 COMMISSIONERS.

1 4. THE COMMISSION SHALL PUBLICLY POST THE CURRENT WAIT TIMES FOR
2 PROCESSING REGULAR, EXPEDITED AND SAME DAY AND NEXT DAY SERVICES.

3 ~~3-~~ 5. The commission may charge persons who access the commission's
4 data processing system from remote locations and persons requesting special
5 computer generated printouts, reports and tapes a reasonable fee that does
6 not exceed the cost of the time, equipment and personnel necessary to provide
7 this service or product as determined by the commission.

8 ~~4-~~ 6. In addition to any fee charged pursuant to this section, the
9 commission may charge and collect the following fees to help defray the cost
10 of the improved data processing system:

11 (a) Filing articles of incorporation of a domestic corporation, ten
12 dollars.

13 (b) Filing an application of a foreign corporation for authority to
14 transact business in this state, twenty-five dollars.

15 ~~5-~~ 7. All monies received pursuant to paragraphs 2, 3, and ~~4~~ 5 AND 6
16 of this subsection and section 29-851, subsection B, shall be deposited,
17 pursuant to sections 35-146 and 35-147, in the public access fund. The
18 commission shall use the monies deposited in the fund for the purposes
19 provided in this section. Fees charged pursuant to this section are exempt
20 from section 39-121.03, subsection A, paragraph 3, relating to a charge for
21 value of a reproduction on the commercial market. Monies in the fund are
22 exempt from the provisions of section 35-190 relating to lapsing of
23 appropriations, except that any unencumbered monies in excess of two hundred
24 thousand dollars at the end of each fiscal year revert to the state general
25 fund.

26 ~~6-~~ 8. When sufficient monies have been collected pursuant to
27 paragraphs 2, ~~3-~~ 5 and ~~4-~~ 6 of this subsection and section 29-851, subsection
28 B, to pay for the purchase and installation of the data processing system,
29 the commission shall not charge and collect the fees prescribed in paragraph
30 ~~4-~~ 6 of this subsection.

31 G. FOR THE PURPOSES OF THIS SECTION, "SUPERMAJORITY" MEANS AN
32 AFFIRMATIVE VOTE OF AT LEAST FOUR COMMISSIONERS.

33 Sec. 2. Section 10-3122, Arizona Revised Statutes, is amended to read:

34 10-3122. Filing, service and copying fees; public access fund;
35 expedited report filing and access; same day and
36 next day services

37 A. The commission shall collect and deposit, pursuant to sections
38 35-146 and 35-147, in the state general fund the following fees when the
39 documents described in this subsection are delivered for filing or issuance:

Document	Fee
1. Articles of incorporation	\$ 30
2. Application for use of indistinguishable name	\$ 10
3. Application for reserved name	\$ 10
4. Notice of transfer of reserved name	\$ 10
5. Application for registered name	\$ 10

1	6. Application for renewal of registered name	\$ 10
2	7. Agent's statement of resignation	\$ 10
3	8. Amendment of articles of incorporation	\$ 25
4	9. Restatement of articles of incorporation	
5	with amendment of articles	\$ 25
6	10. Articles of merger or membership exchange	\$100
7	11. Articles of dissolution	\$ 25
8	12. Articles of domestication	\$100
9	13. Articles of revocation of dissolution	\$ 25
10	14. Application for reinstatement following	
11	administrative dissolution or revocation in	
12	addition to other fees and penalties due	\$ 25
13	15. Application for authority	\$150
14	16. Application for withdrawal	\$ 25
15	17. Annual report	\$ 10
16	18. Articles of correction	\$ 25
17	19. Application for certificate of good standing	\$ 10

18 B. The commission shall collect a fee of twenty-five dollars each time
19 process is served on it under chapters 24 through 40 of this title. The
20 party to a proceeding causing service of process is entitled to recover this
21 fee as costs if the party prevails in the proceeding. The fee collected
22 pursuant to this subsection shall be deposited, pursuant to sections 35-146
23 and 35-147, in the state general fund.

24 C. The commission shall charge and collect fifty cents per page for
25 copying documents on request. The commission shall also charge five dollars
26 plus fifty cents per page for certifying the copy of a filed document. The
27 fees collected pursuant to this subsection shall be deposited, pursuant to
28 sections 35-146 and 35-147, in the state general fund.

29 D. A penalty of one hundred dollars payable in addition to other fees
30 accrues and is payable if a foreign corporation fails to file an amendment,
31 restated articles that include an amendment, or articles of merger within
32 sixty days of the time of filing in the jurisdiction in which the corporation
33 is domiciled. The penalty collected pursuant to this subsection shall be
34 deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

35 E. The commission shall deposit, pursuant to sections 35-146 and
36 35-147, the monies received pursuant to paragraphs 2, 3, and 4 AND 5 of this
37 subsection in the public access fund established by section 10-122. Monies
38 in the fund are subject to legislative appropriation. The following
39 provisions apply to the fund:

40 1. The commission shall administer the fund and spend monies in the
41 fund to purchase, install and maintain an improved data processing system on
42 the premises of the commission and for part of the general administrative and
43 legal expenses of the commission. The data processing system shall be
44 designed to allow direct, on-line access by any person at a remote location

1 to all public records that are filed with the commission pursuant to this
2 title.

3 2. PURSUANT TO SECTION 10-122, SUBSECTION F, the commission shall
4 provide for and establish an expedited service for the filing of articles of
5 incorporation, application of foreign corporations for authority to conduct
6 affairs in this state, amendments, articles of merger or consolidation,
7 statements of intent to dissolve, application of withdrawal of foreign
8 corporations, annual reports and applications to reserve corporate name, as
9 follows:

10 (a) ~~The expedited filing shall be a priority same day service effected~~
11 ~~in a fast and efficient manner.~~

12 (b) ~~The commission shall charge a fee for expedited services,~~
13 ~~including those requested by telefacsimile transmission. This fee is in~~
14 ~~addition to any other fees provided by law, including those in this~~
15 ~~section. The fee for expedited services shall be set by the commission to~~
16 ~~cover the cost of the service. ALL DOCUMENTS AND SERVICES PROVIDED PURSUANT~~
17 ~~TO THIS TITLE.~~

18 3. PURSUANT TO SECTION 10-122, SUBSECTION F, THE COMMISSION MAY
19 PROVIDE FOR AND ESTABLISH SAME DAY AND NEXT DAY SERVICES FOR THE FILING OF
20 ANY DOCUMENTS AND SERVICES PROVIDED PURSUANT TO THIS TITLE.

21 3- 4. The commission may charge persons who access the commission's
22 data processing system from remote locations and persons requesting special
23 computer generated printouts, reports and tapes a reasonable fee that does
24 not exceed the cost of the time, equipment and personnel necessary to provide
25 this service or product as determined by the commission.

26 4- 5. In addition to any fee charged pursuant to this section, the
27 commission may charge and collect the following fees to help defray the cost
28 of the improved data processing system:

29 (a) Filing articles of incorporation of a domestic corporation, ten
30 dollars.

31 (b) Filing an application of a foreign corporation for authority to
32 transact business in this state, twenty-five dollars.

33 5- 6. All monies received pursuant to paragraphs 2, 3, and 4 AND 5 of
34 this subsection shall be deposited, pursuant to sections 35-146 and 35-147,
35 in the public access fund. The commission shall use the monies deposited in
36 the fund for the purposes provided in this section. Fees charged pursuant to
37 this section are exempt from section 39-121.03, subsection A, paragraph 3,
38 relating to a charge for value of a reproduction on the commercial
39 market. Monies in the fund are exempt from the provisions of section 35-190
40 relating to lapsing of appropriations, except that any unencumbered monies in
41 excess of two hundred thousand dollars at the end of each fiscal year revert
42 to the state general fund.

43 6- 7. When sufficient monies have been collected pursuant to
44 paragraphs 2, 3- 4 and 4- 5 of this subsection to pay for the purchase and

1 installation of the data processing system, the commission shall not charge
2 and collect the fees prescribed in paragraph 4- 5 of this subsection.

3 Sec. 3. Section 29-851, Arizona Revised Statutes, is amended to read:

4 29-851. Filing, service and copying fees; expedited filing and
5 services; same day and next day services; posted wait
6 times; definition

7 A. The commission shall charge and collect in advance and deposit,
8 pursuant to sections 35-146 and 35-147, the following fees:

9 1. For filing the initial articles of organization, fifty dollars.

10 2. For filing an application for registration of a foreign limited
11 liability company, one hundred fifty dollars.

12 3. For amending the articles of organization, twenty-five dollars.

13 4. For filing articles of termination and issuing a certificate of
14 termination, thirty-five dollars.

15 5. For issuing a certificate for any purpose not otherwise provided
16 for, ten dollars.

17 6. For filing a notice of winding up, twenty-five dollars.

18 7. For filing articles of merger, fifty dollars.

19 8. For furnishing written information on any limited liability
20 company, ten dollars.

21 9. For furnishing a copy of any document or instrument, five dollars
22 plus fifty cents per page.

23 10. For accepting an application for reservation of a name or for
24 filing a notice of the transfer or cancellation of any name reservation, ten
25 dollars.

26 11. Five dollars for filing a statement of change of address of one or
27 more of the following:

28 (a) Known place of business.

29 (b) Statutory agent.

30 (c) Manager.

31 (d) Member.

32 12. For any service of notice, demand or process on the commission as
33 resident agent of a limited liability company, twenty-five dollars. This
34 amount may be recovered as taxable costs by the party to the suit, action or
35 proceeding causing the service to be made if the party prevails in the suit,
36 action or proceeding.

37 13. For filing articles of correction, the fee prescribed in section
38 10-122, subsection A, paragraph 18.

39 14. For application for reinstatement following administrative
40 dissolution, in addition to other fees and penalties due, the fee prescribed
41 in section 10-122, subsection A, paragraph 14.

42 B. The commission shall provide for and establish an expedited service
43 for the filing of all documents and services provided pursuant to this
44 chapter as follows:

1 1. The expedited filing shall be a priority service to be completed as
2 soon as possible after the documents are delivered to the commission.

3 2. In addition to any other fees required by this section or any other
4 law, the commission shall charge a fee of ~~thirty-five dollars~~ for expedited
5 services, including those requested by fax. THE FEE SHALL BE DETERMINED BY A
6 SUPERMAJORITY VOTE OF THE COMMISSIONERS.

7 C. THE COMMISSION MAY PROVIDE FOR AND ESTABLISH SAME DAY AND NEXT DAY
8 SERVICES FOR THE FILING OF ANY DOCUMENTS AND SERVICES PROVIDED PURSUANT TO
9 THIS CHAPTER AS FOLLOWS:

10 1. THE SAME DAY AND NEXT DAY SERVICES SHALL NOT BE OFFERED UNLESS ALL
11 EXPEDITED SERVICES FILED PURSUANT TO THIS CHAPTER ARE PROCESSED WITHIN A
12 MAXIMUM OF FIVE BUSINESS DAYS AND ALL OTHER DOCUMENTS AND SERVICES FILED
13 PURSUANT TO THIS CHAPTER ARE PROCESSED WITHIN A MAXIMUM OF THIRTY BUSINESS
14 DAYS.

15 2. THE COMMISSION SHALL SUSPEND SAME DAY OR NEXT DAY SERVICE IF THE
16 COMMISSION DETERMINES THAT IT DOES NOT HAVE THE NECESSARY RESOURCES TO
17 PERFORM THE SERVICE WITHIN THE ESTABLISHED TIME PERIOD.

18 3. IN ADDITION TO ANY OTHER FEES REQUIRED BY THIS SECTION OR ANY OTHER
19 LAW, THE COMMISSIONERS MAY CHARGE A FEE FOR THE SAME DAY OR NEXT DAY SERVICE
20 OR BOTH. THE FEE SHALL BE DETERMINED BY A SUPERMAJORITY VOTE OF THE
21 COMMISSIONERS.

22 D. THE COMMISSION SHALL PUBLICLY POST THE CURRENT WAIT TIMES FOR
23 PROCESSING REGULAR, EXPEDITED AND SAME DAY AND NEXT DAY SERVICES.

24 ~~E.~~ E. All monies received pursuant to subsection B AND C of this
25 section shall be deposited, pursuant to sections 35-146 and 35-147, in the
26 public access fund established pursuant to section 10-122, subsection F.

27 F. FOR THE PURPOSES OF THIS SECTION, "SUPERMAJORITY" MEANS AN
28 AFFIRMATIVE VOTE OF AT LEAST FOUR COMMISSIONERS.

29 Sec. 4. Appropriation; purpose

30 The sum of \$498,400 is appropriated from the public access fund in
31 fiscal year 2005-2006 to the corporation commission for the implementation of
32 the same day and next day services as prescribed by sections 10-122, 10-3122
33 and 29-851, Arizona Revised Statutes, as amended by this act.

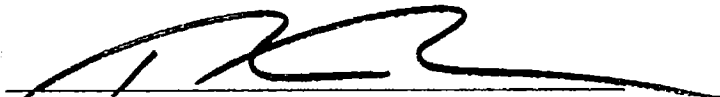
APPROVED BY THE GOVERNOR MAY 4, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2005.

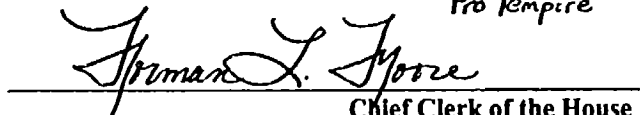
Passed the House April 20, 2005,

by the following vote: 55 Ayes,

5 Nays, 0 Not Voting



Speaker of the House
Pro Tempore



Chief Clerk of the House

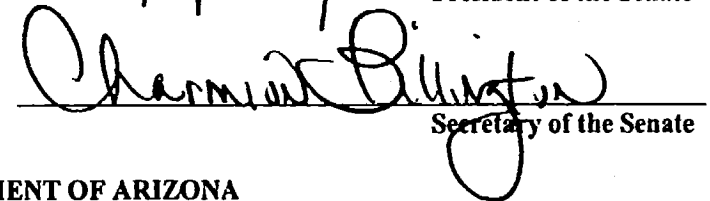
Passed the Senate March 10, 2005,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1496

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 28, 2005,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Bennett
President of the Senate
Channing Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28th day of April, 2005

at 4:00 o'clock P. M.

Wendee L. Barra
Secretary to the Governor

Approved this 4 day of

May, 2005,

at 3:00 o'clock P. M.

J. R. Rynell
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of May, 2005,

at 4:19 o'clock P. M.

Janice K. Brewer
Secretary of State